

EXHIBIT E

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CSX TRANSPORTATION, INC.	:	
	:	
Plaintiff	:	CIVIL ACTION NO. 05-139 Erie
	:	
v.	:	
	:	
PORT ERIE PLASTICS, INC.	:	
	:	
Defendant.	:	

AFFIDAVIT OF WILLIAM A. GRAHAM

I, **William A. Graham**, do hereby declare under penalty of perjury that I am competent to testify, and that the statements below are true and correct based on my personal knowledge:

1. I am currently employed by CSX Transportation Company ("CSX") as a Customer Rep, and as such am authorized to sign this Affidavit on behalf of CSX.
2. Among my job responsibilities has been the creation of "Customer Profiles."
3. A Customer Profile is an internal CSX document maintained in electronic format. It is used to maintain information about those entities which use CSX's freight transportation services.
4. Among the items included on a Customer Profile is contact information which CSX uses to inform the customer that rail cars which have been consigned to the customer can be delivered to the customer for unloading.
5. I was responsible for creating the Customer Profile for Port Erie Plastics, Inc., in late 2001.

6 I recall speaking with Jim Witkowski of Port Erie Plastics on several occasions in order to obtain the information which has been maintained on that profile.

7 During the course of those conversations, I was informed that all information concerning the arrival of rail cars consigned to Port Erie Plastics should be provided by CSX directly to Presque Isle Trucking

8 I acquired contact information, i.e., phone and fax numbers to be used by CSX when transmitting such information, as a result of subsequent phone conversations with both Port Erie Plastics and Presque Isle Trucking.

FURTHER AFFIANT SAYETH NAUGHT:

William A. Graham
William A. Graham
CSX Transportation Company

Executed this 22 day of February, 2006.

Terry Lee Young

